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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,703	01/29/2004	George N. P. Hansen	950222.00003	5648
26710	7590	04/26/2005	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,703

Applicant(s)

HANSEN ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 8-10, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

1. The drawings are objected to because:
 - a. Inappropriate cross hatch patterns are used to depict the elements 36, 38, 44, 50, 52 & 58. See MPEP § 608.02 for the appropriate patterns.
 - b. Reference numerals 24, 28 & 60 appear in the drawings, but fail to appear in the description.
 - c. The scale of drawings is too small to show the details of the invention without crowding.
 - d. Fig. 2 shows the spring 90 floating against the end piece 82, not biased against it as described.
 - e. The drawings fail to show the limitations of claims 3, 9, 13 & 18.
 - f. Fig. 1 fails to show the tab and slot recited in claims 6-10 & 16-18.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because the first patent mentioned in paragraph 0006 is misidentified.
4. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:
 - a. Claim 1, line 12: "to bridge any gap between the ends of the inner and outer guard sleeves"
 - b. Claims 3 & 13: "the spring acts against the inner guard sleeve"
 - c. Claims 4 & 14: "the spring is axially disposed between the end pieces"
 - d. Claims 5, 15 & 19: all limitations therein

Claim Objections

5. Claim 12 is objected to as failing to comply with 37 CFR 1.75(i) because elements of the claim are not separated by line indentation.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "the guard sleeve". There is insufficient antecedent basis for this limitation in the claim. No single guard sleeve is identified as "the guard sleeve".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 11-15 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells, US 2,242,604. Fig. 2 shows a guard which can be used for covering the union of mating first and second shafts that are rotatable about and relatively telescopic along an axis Y, the guard comprising: an inner guard sleeve 10 extending along the axis; an outer guard sleeve 8 extending along the axis radially outside of the inner guard sleeve 10; a center guard sleeve 1 extending along the axis radially between the inner and outer guard sleeves, the center guard sleeve being overlapped by the outer guard sleeve and overlapping the inner guard sleeve along the shaft axis and being biased axially toward the outer guard sleeve by a spring 2 so as to move axially

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response to a telescopic movement and to bridge the gap between the ends of the inner and outer guard sleeves. Fig. 2 shows the inner guard sleeve 10 includes a radial end piece 22; the center guard sleeve 1 includes a radial end piece 21; and the spring 2 is axially disposed between the end pieces.

10. Claims 1-7, 11-16 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Chester, US 2,459,918. Fig. 2 shows a guard which can be used for covering the union of mating first and second shafts that are rotatable about and relatively telescopic along an axis, the guard comprising: an inner guard sleeve 11 extending along the axis; an outer guard sleeve 15 extending along the axis radially outside of the inner guard sleeve 11; a center guard sleeve 10 extending along the axis radially between the inner and outer guard sleeves, the center guard sleeve being overlapped by the outer guard sleeve and overlapping the inner guard sleeve along the axis and being biased axially toward the outer guard sleeve by a spring 12 so as to move axially response to a telescopic movement and to bridge the gap between the ends of the inner and outer guard sleeves. Fig. 2 shows the inner guard sleeve 11 includes a radial end piece 14; the center guard sleeve 10 includes a radial end piece 13; and the spring 12 is axially disposed between the end pieces. Figs. 2 & 3 show the center guard sleeve 10 is linked in a tab 31 and slot 30 retention arrangement.

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Allowable Subject Matter

11. Claims 8-10, 17 & 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Geisthoff, Kuhn and DE 211984 each show a guard.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GREGORY J. BINDA
PRIMARY EXAMINER